

REQUEST FOR PROPOSALS
FOR INVESTMENT BANKING SERVICES:
BOOKRUNNING SENIOR MANAGER,
CO-SENIOR MANAGERS &
CO-MANAGERS

ISSUED BY THE
TOBACCO SETTLEMENT FINANCING CORPORATION

DATE OF ISSUE: SEPTEMBER 22, 2006

RESPONSES DUE BY 3:00 P.M. EASTERN TIME ON
OCTOBER 13, 2006

BRADLEY I. ABELOW
PRESIDENT
TOBACCO SETTLEMENT FINANCING CORPORATION

50 WEST STATE STREET, 5TH FLOOR
TRENTON, NJ 08625

**REQUEST FOR PROPOSALS
FOR INVESTMENT BANKING SERVICES:**

**BOOKRUNNING SENIOR MANAGER,
CO-SENIOR MANAGERS &
CO-MANAGERS**

1.0 PURPOSE AND INTENT

The Tobacco Settlement Financing Corporation (the “Corporation”), a public body corporate and politic and an instrumentality of the State of New Jersey (the “State”) established pursuant to P.L. 2002, c.32 (the “Act”) desires to make the most efficient use possible of the amounts payable under the Master Settlement Agreement, as further described below. Based upon a review of the responses to this Request for Proposals (“RFP”), the Corporation intends to select one firm to serve as lead or “Bookrunning” Senior Managing Underwriter, one or more Co-Senior Managers, and one or more Co-Managers that will share in the underwriting liability of the bond issue. The Corporation reserves the right to further select one or more additional firms to comprise a selling group that may participate in the distribution of bonds without underwriting liability.

The Corporation reserves the right in its sole discretion to proceed with one or more transactions as well as to not proceed with any transactions at all. Compensation to the underwriters shall be contingent upon the closing of a transaction(s).

2.0 BACKGROUND

On August 28, 2002, the Corporation issued \$1,801,455,000 of its Tobacco Settlement Asset-Backed Bonds, Series 2002 (the “2002 Bonds”). As part of the transaction, the State sold to the Corporation the State’s right to receive the monies (the “TSRs”) due under and expected to be received by the State after December 1, 2003 from the Master Settlement Agreement dated November 23, 1998 among the attorneys general of 46 states and various territories and four tobacco companies (the “MSA”). On March 7, 2003, the Corporation issued \$1,659,170,000 of its Tobacco Settlement Asset-Backed Bonds, Series 2003 (the “2003 Bonds” and, together with the 2002 Bonds, the “Outstanding Bonds”). The State received the net proceeds of the Outstanding Bonds as well as a residual certificate granting the State certain rights to receive the TSRs. The Corporation pledged 50% of the TSRs to the 2002 Bonds and 50% to the 2003 Bonds. In 2005, the Corporation determined to issue bonds (the “2005 Bonds”) to refund the 2003 Bonds and to realize approximately \$150 million that would go to the State pursuant to the State’s residual certificate.

On August 4, 2005, Senator Lance and Assemblyman DeCroke filed a complaint in the Superior Court of New Jersey seeking a declaration that the State’s Fiscal Year 2006 Appropriations Act violated the New Jersey Constitution because it anticipated \$150 million in revenues. On August 12, 2005, the court issued an order (“Lance II”) which, among other things, enjoined the issuance and transfer to the State of that portion of the 2005 Bonds in excess of that necessary to effectuate the refunding of the 2003 Bonds (i.e. \$150 million) but allowing the Corporation to proceed with the sale of that portion of the 2005 Bonds necessary to effectuate the refunding of the 2003 Bonds. The State and the Corporation filed a notice to appeal on September 23, 2005. On May 15, 2006, the State and the Corporation filed a stipulation of dismissal of the appeal. The 2005 Bonds were not issued.

3.0 MINIMUM REQUIREMENTS – BOOKRUNNING & CO-SENIOR MANAGERS

The Corporation intends to select one Bookrunning Senior Manager and one or more Co-Senior Managers to structure and carry out one or more transactions which would maximize the value to the State and the Corporation of the TSRs while not running afoul of the Lance II decision. A firm must meet the following minimum requirements to be given further consideration to be selected as Bookrunning Senior Manager or Co-Senior Manager:

1. Excess net capital sufficient to underwrite a \$250mm bond issue.
2. Firm must hold and maintain all licenses required by the NASD, MSRB, SEC or any other regulatory agency necessary to perform the services required by the Corporation.
3. Experience as a Senior Manager or Co-Senior Manager for at least two securitization transactions issued by a governmental body, public corporation, authority or similar entity where each such transaction was secured by TSRs payable under the MSA. Each such transaction must have had a par amount of at least \$250mm and have occurred during the past three (3) years.

Failure of a firm seeking to serve as Bookrunning Senior Manager or Co-Senior Manager to meet these minimum requirements **will result in the immediate rejection of such firm's proposal**. Firms eligible, but not selected, to serve as Bookrunning Senior Manager or Co-Senior Manager will be considered for positions as Co-Manager. Be certain your firm meets the minimum requirements for the position for which it is applying.

4.0 MINIMUM REQUIREMENTS – CO-MANAGERS

A firm must meet the following minimum requirements to be given further consideration to be selected for Co-Manager:

1. Excess net capital sufficient to participate in the underwriting of a \$100mm bond issue.
2. Firm must hold and maintain all licenses required by the NASD, MSRB, SEC or any other regulatory agency necessary to perform the services required by the Corporation.

Failure of a firm to meet minimum requirement (1.) will result in such firm being considered for inclusion in the Corporation's selling group, if any. Failure of a firm to meet minimum requirement (2.) will result in the immediate rejection of such firm's proposal.

5.0 SCOPE OF SERVICES

The selected underwriters will work with the Corporation and the professionals selected by the Corporation (including the Office of Public Finance in the New Jersey Department of the Treasury and the New Jersey Attorney General's office) in the negotiated sale of bonds for

refunding and/or new money purposes. The underwriters will be required to provide some or all of the services identified below, at the request of the Corporation:

- (i) Recommend transactions which will maximize the value of the TSRs.
- (ii) Recommend structures for specific debt issuances and alternatives to minimize overall debt service costs.
- (iii) Participate in discussions regarding legislative requirements, if any, to facilitate bond issuance.
- (iv) Assist in drafting and reviewing relevant bond documents, including, but not limited to, official statements, bond resolutions and indentures, leases and contracts.
- (v) Assist in preparations, discussions and meetings with rating agencies, insurers and investors.
- (vi) Obtain bids for credit enhancement and recommend efficient utilization of available credit enhancement, including bond insurance and bank facilities.
- (vii) Identify financing opportunities available to the Corporation.
- (viii) Manage the underwriting process.
- (ix) Commit capital to underwrite bonds issued by the Corporation.
- (x) Provide post-closing analysis of debt issuances, including but not limited to pricing, orders, allotments and all information required by Executive Order No. 26 (Whitman).
- (xi) Provide such underwriting and investment banking services as requested by the Corporation.

6.0 REQUIRED COMPONENTS OF THE PROPOSAL

Each firm submitting a proposal must follow the instructions contained in this RFP in preparing and submitting its proposal. The proposing firm is advised to thoroughly read and follow all instructions. A proposal must contain all of the information in the order and format indicated below. **The proposal must contain a statement explicitly identifying (I) your firm's desired underwriting position; and (II) how your firm meets the Minimum Requirements specified in Section 3.0 or Section 4.0, as applicable.** All terms and conditions set forth in this RFP will be deemed to be incorporated by reference in their entirety into any response submitted by your firm. Appendices may be included only where specified.

In your proposal please respond to each of the following questions by repeating the question at the top of the section and referring to the question by the numbers used in this RFP.

Firms interested in being appointed as Bookrunning Senior Manager or Co-Senior Manager

should respond to all questions provided below. Firms interested in being assigned only to the Co-Manager pool or selling group pool (if any) should respond to questions # 1-14.

1. State explicitly how your firm meets each of the Minimum Requirements specified in Section 3.0 or Section 4.0, as applicable. Include the names, size, asset type and dates of the transactions/assignments and your role in the transactions/assignments which support your meeting the Minimum Requirements.
2. Provide the name, title, business address, e-mail address, telephone number and fax number of the individual the Corporation should contact regarding your proposal.
3. Provide a brief description of your firm and its ownership structure. Discuss your firm's public finance and municipal sales, trading and underwriting departments including a discussion of your commitment to these areas with an emphasis on the firm's experience as a senior/co-senior manager in the field of tobacco securitization.
4. Provide your firm's total capital, net capital, equity capital and excess net capital position as of the end of your most recent quarter.
5. Describe your firm's physical presence in the State of New Jersey, including number of offices, number of employees and type of business activity conducted in the State.
6. State whether or not the firm is registered, or has applied for registration, as a Small Business Enterprise (SBE) with the New Jersey Commerce and Economic Growth Commission. Firms interested in being considered for future SBE designations, if the Corporation determines to make SBE designations, must be registered.
7. Identify any existing or potential conflict of interest, or any relationships that might be considered a conflict of interest, that may affect or involve transactions for the Corporation.
8. Provide a summary of any ongoing investigations or litigation involving the firm, its directors, officers and principals and any individuals employed by the firm in the past five years. Include in such summary any censures, fines, indictments or prosecutions. Please include details in an appendix.
9. Provide as an appendix, the last two G37/38 reports your firm has filed.
10. Describe all licenses held and maintained by the firm, its directors, officers, and principals and any of the individuals who will be responsible for providing the services described herein that are required in order to do business in the State or elsewhere. List all states where your firm is registered by the NASD and SEC. Please provide a listing of any and all suspensions or expulsions by those regulatory agencies of your firm or any of its personnel since January 1, 1996 with an explanation of the reason for such suspensions or expulsions and the time period for such actions.

11. Describe your firm's bond sales and distribution capabilities, including both retail and institutional sales. Highlight your ability to distribute bonds secured by TSRs, including New Jersey bonds. *(Limit 1 page)*
12. Provide a summary of the transactions underwritten by your firm for the past three (3) years secured by TSRs. Include your firm's role (sr. manager or co-manager), the type of bond (fixed, CAB, etc.), the security (unenhanced, enhanced, etc.), ratings category of the tranches of bonds, issue size and issuer. *(Limit 1 page)*
13. Describe the team that will be assigned for this engagement with a discussion of their relevant experience. *(Limit 2 pages)*
14. Describe your firm's secondary market support for tobacco securitization bonds during the past three (3) years, with details about volume traded, buyers and any unusual circumstances that impacted the secondary market.

SENIOR MANAGER CASE STUDY

To date, the proceeds generated from the Outstanding Bonds were transferred to the State. For purposes of this RFP, responding firms should assume that the State Legislature will permit the bond proceeds (to the extent not required for refunding purposes) to be used by an independent authority for capital projects and prohibit the transfer of such proceeds to the State. These capital projects have not yet been determined; however, responding firms should assume that any capital projects will be eligible for financing on a tax-exempt basis.

15. Based upon your knowledge of the TSR securitization market, the Corporation, the Corporation's Outstanding Bonds, Lance II and the assumptions outlined above, please provide two (2) alternate strategies that will allow the Corporation to generate current proceeds. Your recommendations may incorporate any strategy your firm deems reasonable (i.e., refundings of Outstanding Bonds, CABs, subordinated debt, maturity extension (rated and/or expected), State enhancements, etc.). However, your plan of finance should avoid the issuance of non-investment grade debt. You should also provide an assessment of the expected rating for the bonds proposed in your financing strategies as well as an assessment of the market's capacity to absorb your proposed transactions. *(Limit 6 pages)*
16. Provide takedown and expenses for the products proposed in your financing plans in connection with Question 15. If variable rate bonds, also indicate a remarketing fee. Include the name of your anticipated underwriter's counsel as well as their fee.
17. Provide a detailed marketing plan for the securities, which includes: the market(s) to which the securities would be targeted, details regarding any pre-marketing efforts, the critical steps of the transaction and a proposed timeline for the completion of each step. *(limit 1 page)*
18. In your firm's view, please state what issues have recently been raised in marketing tobacco securitizations and how your firm proposes to address these issues for the Corporation. *(limit 1 page)*

7.0 SUBMISSION OF THE PROPOSAL

All respondents are required to limit their proposals to 25 pages or less (exclusive of appendices) at no smaller than 12 point type. Excess pages and extraneous materials or appendices will detract from the overall quality of the response. A single page cover letter may be submitted with the proposal at the discretion of the respondent firm and will not count toward the page limit. Information contained in a cover letter will not be used to grade a response.

Joint proposals will NOT be permitted.

Eight (8) copies of your proposal (1 bound original, 6 bound copies and 1 unbound copy) must be delivered by courier or overnight express mail, **no later than 3 P.M. prevailing Eastern Time on Friday, October 13, 2006 to:**

David K. Moore, Manager
New Jersey Office of Public Finance
50 West State Street, 5th floor
Trenton, NJ 08625
Attn: Tobacco Settlement Financing Corporation

No fax or email proposals will be accepted.

Proposals received after the time and date listed above will not be considered.

All documents and information submitted in response to this RFP generally shall be available to the general public as required by Executive Order No. 26 and applicable law.

Communications with representatives of the State or the Corporation concerning this RFP, by your firm or on your firm's behalf, are NOT permitted during the submission and evaluation process, (except as specified below). No telephone inquiries will be accepted. If you have questions or require clarification on any aspect of this RFP, please forward the request via email to RFQresponses@treas.state.nj.us . **Failure to adhere to these communication restrictions will result in the immediate rejection of your firm's proposal.** Questions must be submitted by 5 P.M. prevailing Eastern Time on October 2, 2006. The Corporation will post answers to all questions on the New Jersey Office of Public Finance's website at: http://www.state.nj.us/treasury/public_finance/index.html

The Corporation will not be responsible for any expenses in the preparation and/or presentation of the proposals and oral interviews, if any, or for the disclosure of any information or material received in connection with the solicitation, whether by negligence or otherwise.

The Corporation reserves the right to request additional information if necessary, or to request an interview with firm(s), or to reject any and all proposals with or without cause, and waive any irregularities or informalities in the proposals submitted. The Corporation further reserves the right to make such investigations as it deems necessary as to the qualifications of any and all firms submitting proposals. In the event that all proposals are rejected, the Corporation reserves the right to resolicit proposals.

Responding firms may withdraw their proposal at anytime prior to the filing date and time by written notification signed by an authorized agent of the firm. The proposal may thereafter be resubmitted, but only up to the final filing date and time.

The responding firm assumes sole responsibility for the complete effort required in this RFP. No special consideration shall be given after proposals are opened because of a firm's failure to be knowledgeable about all the requirements of this RFP. By submitting a proposal in response to this RFP, the firm represents that it has satisfied itself, from its own investigation, of all the requirements of this RFP.

8.0 SELECTION PROCESS

- 8.1 All proposals will be reviewed to determine responsiveness. Non-responsive proposals will be rejected without evaluation. Responsive proposals will be evaluated by an evaluation committee pursuant to the criteria specified below. The Corporation reserves the right to request clarifying information subsequent to submission of the proposal if necessary.
- 8.2 An evaluation committee will review and score each proposal received that meets the MINIMUM REQUIREMENTS set forth above, pursuant to the criteria specified below.
- 8.3 The criteria used to evaluate responsive proposals shall include, but not be limited to, expertise, capacity, experience and personnel in accordance with Executive Order 26 and may include the following evaluation criteria categories, separate or combined, in some manner and not necessarily in order of significance:
- Overall underwriting and structuring experience with debt issues secured by TSRs
 - Development of new ideas
 - Response to Case Study
 - Experience of professionals assigned to work with the Corporation
 - Demonstrated sales effort and ability to distribute TSR-backed securities, including New Jersey securities, to buyers
 - Quality of service to the Corporation in previous transactions
 - Indicative fees and expenses
 - Capital adequacy and underwriting commitment
 - Overall quality of responses to this RFP

Interviews may be conducted, at the option of the evaluation committee, with any or all of the firms submitting a proposal. If interviews are to be held, they will be held on or about the week of October 23, 2006.

9.0 STATUTORY REQUIREMENTS

9.1 Chapter 51. Pursuant to Public Law 2005, Chapter 51 ("Chapter 51") State departments, agencies and authorities are precluded from awarding contracts exceeding \$17,500 to vendors who make certain political contributions on and after October 15, 2004, to avoid any appearance that the selection of contractors is based on the contractors' political contributions. Chapter 51 also requires the disclosure of all contributions to any political organization organized under 26 U.S.C. 527 that also meet the definition of a "continuing political committee" within the meaning of N.J.S.A. 19:44A-3(n) and N.J.A.C. 19:25-1.7. **Please refer to Attachment I which explains the requirements of Chapter 51. Failure to submit the attached certification form(s) and disclosure form(s) shall be cause for rejection of your firm's proposal.** Any firm selected to participate in the pool shall maintain compliance with Chapter 51 during the term of their participation in the applicable pool.

9.2 Chapter 271. Pursuant to Public Law 2005, Chapter 271 ("Chapter 271") your firm is required to disclose its (and its principals') political contributions within the immediately preceding twelve (12) month period prior to entering into a contract. No prospective firm will be precluded from entering a contract with the Corporation by virtue of the information provided in the Chapter 271 disclosure **provided the form is fully and accurately completed.** Prior to execution of a bond purchase agreement, the firms selected pursuant to the RFP shall be required to submit Chapter 271 disclosures. Please refer to Attachment II for a copy of the Chapter 271 disclosure form. **It is not required to be completed in connection with this RFP.**

If selected pursuant to the RFP, please also be advised of your firm's responsibility to file an annual disclosure statement on political contributions with the New Jersey Election Law Enforcement Commission (ELEC), pursuant to N.J.S.A. 19:44A-20.13 (P.L. 2005, c. 271, section 3) if your firm receives contracts in excess of \$50,000 from a public entity during a calendar year. It is your firm's responsibility to determine if filing is necessary. Failure to so file can result in the imposition of financial penalties by ELEC. Additional information about this requirement is available from ELEC at (888) 313-3532 or www.elec.state.nj.us

9.3 E.O. 9. Pursuant to Executive Order No. 9 (Codey 2004), dated and effective as of December 6, 2004, it is the policy of the State that in all cases where bond underwriting services are or may be required by the State or any of its departments, agencies or independent authorities, such department, agency or independent authority shall deal directly with the principals of the underwriting firms or their registered lobbyists. The department, agency, or independent authority shall not discuss, negotiate or otherwise interact with any third-party consultant, other than principals of underwriting firms and their registered lobbyists, with respect to the possible engagement of the firm to provide bond underwriting services. Compliance with Executive Order No. 9 shall be a material term and condition of any bond purchase contract.

ATTACHMENT I

In connection with your firm's proposal to provide underwriting services to the Corporation, compliance with P.L. 2005, c.51 ("Chapter 51") must be demonstrated. Attached are the necessary documents to be completed by your firm in order to demonstrate Chapter 51 compliance:

- Attachment #1 – Certification & Disclosure Instructions;
- Attachment #2 – Certification & Disclosure Form; and
- Attachment #3 - Ownership Disclosure.

With respect to the ownership disclosure form (Attachment #3), for each business entity listed as 10% or more owner of your firm, if any, please provide separate Certification and Disclosure Forms (Attachment #2).

Instructions

Instructions for Completing “Contractor Certification and Disclosure of Political Contributions” Forms

Who Should Sign and Submit Certification and Disclosure Forms

Public Law 2005, Chapter 51 requires submission of a Certification and Disclosure form from each Bidder with which the State intends to contract, as well as other related individuals or entities, depending upon the Bidder’s organizational structure. The following provides a summary of the most common requirements:

Where the Bidder is a corporation or other business organization:

Submit separate Certification and Disclosure forms for each of the following:

- The Bidder, certified by an officer or other authorized representative; AND
- All “Principals” of the Bidder’s Business Entity; namely, any individual or entity owning or controlling more than 10% of the Bidder’s Business Entity; AND
- Any subsidiary controlled by the Bidder’s Business Entity; AND
- Any Political Organization (as defined above, under “Business Entity”) controlled by the Bidder’s Business Entity.

Ownership Disclosure Forms

In order to determine whether all required “Principals” of the Bidder have submitted the necessary forms, the Bidder must submit a copy of an Ownership Disclosure form. This disclosure is required by statute – see N.J.S.A. 52:25-24.2. Generally, the contracting agency will provide the appropriate form to use for this purpose. Otherwise, please use the Ownership Disclosure form available at the Division of Purchase and Property’s website, at: <http://www.state.nj.us/treasury/purchase/forms/pbodf.pdf>.

ONE FORM may be used to submit compliance documentation on behalf of the Bidder and as a Principal (more than 10% owner) of the Bidder, as long as appropriate representatives have signed both in the space provided for signature on behalf of the company, as an officer or other authorized representative, and in the space provided for individual signature.

Where the Bidder is an individual (including a sole proprietor), not a corporation or other business organization:

Unless separate Certification and Disclosure forms are submitted, one Certification and Disclosure will be deemed to encompass all of the following persons or organizations:

- The Bidder; AND
- Any spouse or children of legal age, residing in the same household; AND
- Any Political Organization (as defined above) controlled by the Bidder’s Business Entity.

Instructions

Contractor Certification and Disclosure of Political Contributions

Examples

Scenario One: *Two individuals each own 50% of the Bidder: Three signatures are required – one on behalf of the Bidder and one by each individual owner of more than 10% of the Bidder. NOTE: If one of the Principals (owners) signs on behalf of the Bidder, that Principal may also sign the same form, in his or her individual capacity. However, the other Principal must sign and submit a separate Certification and Disclosure form. Accordingly, either two or three separate Certification and Disclosure forms will be submitted.*

Scenario Two: *An individual owns 100% of a Bidder: Two signatures are required: the individual owner can submit one Certification and Disclosure form, provided he or she has signed in the space provided for signature on behalf of the Bidder (“ARROW #2”> “Certification on behalf of a company or organization”) and in the space provided for individual signature (“ARROW #3”> “Certification by an individual...”).*

Scenario Three: *Four individuals and one corporation each own 20% of the Bidder: six signatures are required – one by each individual and corporate owner of more than 10% of the Bidder, and one on behalf of the Bidder. NOTE: As in Scenario One, above, if one of the Principals (owners) signs on behalf of the Bidder, that Principal may also sign the same form, in his or her individual capacity.*

Scenario Three: *The Bidder is an individual, conducting business in his or her own name, or as a sole proprietorship: certification and disclosure by the Bidder applies to that person’s spouse and/or legal age child living in the same household, unless separate certification and disclosure forms are submitted.*

Additional scenarios are the subject of some of the Questions and Answers posted on the Division of Purchase and Property’s website. Please refer to that site, at <http://www.state.nj.us/treasury/purchase/execorder134.htm> for additional information, or to submit questions regarding the completion of Political Contribution Compliance (EO 134) forms.

Continuing Disclosure Obligation

Pursuant to Public Law 2005, Chapter 51, all business entities which have been awarded a State contract on or after October 15, 2004, in an amount in excess of \$17,500, have a continuing obligation to disclose all Contributions made during the term of such contract.

Such disclosures are to be submitted by the business entity to the Agency or Agencies which awarded the applicable contract(s). The disclosures are to be made using the standard Certification and Disclosure form, which may be downloaded from the Division of Purchase and Property’s website.

Instructions

Contractor Certification and Disclosure of Political Contributions

Agency Submission of Forms

The agency should submit the completed and signed Contractor Political Contribution Compliance (EO 134) and Ownership Disclosure forms, with an Executive Summary of Transaction form (available online at: http://www.state.nj.us/treasury/purchase/forms/eo134/dpp_134_esp.pdf), **completed by the agency**, to:

EO 134 Review Unit
P.O. Box 039
33 West State Street, 4th Floor
Trenton, New Jersey 08625

The agency should keep the original forms in its file, and submit copies to the EO 134 Review Unit.

Questions & Answers

Questions regarding the interpretation or application of **Public Law 2005, Chapter 51** (N.J.S.A. 19:44A-20.13-20.25, superseding Executive Order 134) (2004)) may be submitted electronically through the website of the Department of the Treasury, Division of Purchase and Property, <http://www.state.nj.us/treasury/purchase/execorder134.htm>. Responses to questions are posted at the website, as are additional reference materials and forms.

Definitions:

“Chapter 51” -- means Public Law 2005, Chapter 51 (N.J.S.A. 19:44A-20.13-20.25, superseding Executive Order 134 (2004)).

“Business Entity” – means any natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of New Jersey or any other state or foreign jurisdiction. It also includes (i) all principals who own or control more than 10 percent of the profits or assets of a business entity or 10 percent of the stock in the case of a business entity that is a corporation for profit, as appropriate; (ii) any subsidiaries directly or indirectly controlled by the business entity; (iii) any political organization organized under 26 U.S.C.A. § 527 that is directly or indirectly controlled by the business entity, other than a candidate committee, election fund, or political party committee; and (iv) if a business entity is a natural person, that person’s spouse or child, residing in the same household.

“Contribution” – means a contribution reportable by the recipient under the “New Jersey Campaign Contributions and Expenditures Reporting Act,” P.L. 1973, c.83 (C.19:44A-1 et seq.), and implementing regulations set forth at N.J.A.C. 19:25-10.1 et seq. Contributions made prior to January 1, 2005 in an amount in excess of \$400 during a reporting period are deemed “reportable” under these laws. As of January 1, 2005, contributions in excess of \$300 are deemed “reportable.”

References to **“Bidder”** include, but are not limited to, all entities which contemplate entering into a contractual relationship with the State, including vendors, potential vendors, contractors, consultants, sellers.

Solicitation No.: _____ Bidder: _____

The Bidder (Vendor) should complete the required Certification and Disclosure forms and submit them, together with a completed Ownership Disclosure form, **to the using agency, department or the Purchase Bureau**. Instructions for completing this form are at <http://www.state.nj.us/treasury/purchase/forms.htm#eo134>.

Part I: Certification

I hereby certify as follows:

1. On or after October 15, 2004, the below-named person or entity has not solicited or made any Contribution of money, pledge of Contribution, including in-kind Contributions, company or organization Contributions, as set forth below that would bar the award of a contract to the Bidder, pursuant to the terms of Public Law 2005, Chapter 51 (N.J.S.A. 19:44A-20.13-20.25, superseding Executive Order 134 (2004)).
 - a) **Within the 18 months immediately preceding the Solicitation (exclusive of any contributions made prior to October 15, 2004), the below-named person or organization has not made a Contribution to**
 - (i) Any candidate committee and/or election fund of any candidate for or holder of the public office of Governor; or
 - (ii) Any State or county political party committee.
 - b) **During the term of office of the current Governor (exclusive of any Contributions made prior to October 15, 2004), the below-named person or organization has not made a Contribution to**
 - (i) Any candidate committee and/or election fund of the governor; or
 - (ii) Any State or county political party committee nominating such Governor in the election preceding the commencement of said Governor's term.
 - c) **Within the 18 months immediately prior to the first day of the term of office of the Governor (exclusive of any Contributions made prior to October 15, 2004), the below-named person or organization has not made a Contribution to**
 - (i) Any candidate committee and/or election fund of the Governor; or
 - (ii) Any State or County political party committee of the political party nominating the successful gubernatorial candidate in the last gubernatorial election.
2. If the Bidder is awarded a contract pursuant to the solicitation for this bid proposal, the below-named person or organization will, on a continuing basis, continue to report any Contributions it makes during the term of the contract, and any extension(s) thereof.

Public Law 2005, Chapter 51

Formerly:

Executive Order
134

Bidder: _____

Part II: Disclosure

Following is the required disclosure of all Contributions made from October 15, 2004, through the date of signing of this Certification and Disclosure to: (i) any entity designated and organized as a "political organization" under 26 U.S.C.A. § 527 that is also defined as "continuing political committee" under N.J.S.A. 19:44A-3(n) and N.J.A.C. 19:25-1 or (ii) any candidate committee and/or election fund of any candidate for or current holder of the public office of Governor; and any State or county political party committee. Such an entity is identified in the following chart as a "Committee."

Name and Address of Committee	Date of Contribution	Amount of Contribution	Type of Contribution i.e., Currency, Check, Loan, In Kind	Donor
Indicate "<u>none</u>" if no Contributions were made. Attach additional pages if necessary.				

Certification on behalf of a COMPANY or organization:

I certify as an officer or authorized representative of the Company or Organization identified below that, to the best of my knowledge and belief, the foregoing statements by me are true. I am aware that if any of the statements are willfully false, I am subject to punishment.

Name of Company or Organization: _____

Signed: _____ Title: _____

Print Name: _____ Date: _____

(check one) (A) ☐ The Company or Organization is the Bidder, or (B) ☐ The Company or Organization is a Principal (more than 10% ownership or control) of the Bidder, a Subsidiary controlled by the Bidder, or a Political Organization (eg, PAC) controlled by the Bidder.

Certification by an individual – for use by the individual Bidder, or as a Principal (more than 10% ownership or control) of the Bidder, or as the spouse or child of the Bidder:

I certify that, to the best of my knowledge and belief, the foregoing statements by me are true. I am aware that if any of the statements are willfully false, I am subject to punishment.

Signed: _____

Print Name: _____ Date: _____

Note: A person may certify BOTH as an officer or authorized representative of the Bidder, AND in his or her individual capacity, as a Principal of the Bidder.

OWNERSHIP DISCLOSURE FORM

DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE & PROPERTY
STATE OF NEW JERSEY
33 W. STATE ST., 9TH FLOOR
PO BOX 230
TRENTON, NEW JERSEY 08625-0230

FID. NUMBER _____

BIDDER: _____

INSTRUCTIONS : Provide below the names, home addresses, dates of birth, offices held and any ownership interest of all officers of the firm named above. If additional space is necessary, provide on an attached sheet.

NAME	HOME ADDRESS	DATE OF BIRTH	OFFICE HELD	OWNERSHIP INTEREST (Shares Owned or % of Partnership)

INSTRUCTIONS : Provide below the names, home addresses, dates of birth, and ownership interest of all individuals not listed above, and any partnerships, corporations and any other owner having a 10% or greater interest in the firm named above. If a listed owner is a corporation or partnership, provide below the same information for the holders of 10% or more interest in that corporation or partnership. If additional space is necessary, provide that information on an attached sheet. Complete the certification at the bottom of this form. If this form has previously been submitted to the Purchase Bureau in connection with another bid, indicate changes, if any, where appropriate, and complete the certification below.

If there are no owners with 10% or more interest in your firm, enter "None" below.

NAME	HOME ADDRESS	DATE OF BIRTH	OFFICE HELD	OWNERSHIP INTEREST (Shares Owned or % of Partnership)

COMPLETE ALL QUESTIONS BELOW

- | | YES | NO |
|---|-----------------------|-----------------------|
| 1. Within the past five years has another company or corporation had a 10% or greater interest in the firm identified above?
(If yes, complete and attach a separate disclosure form reflecting previous ownership interests.) | <input type="radio"/> | <input type="radio"/> |
| 2. Has any person or entity listed in this form or its attachments ever been arrested, charged, indicted or convicted in a criminal or disorderly persons matter by the State of New Jersey, any other State or the U.S. Government? (If yes, attach a detailed explanation for each instance.) | <input type="radio"/> | <input type="radio"/> |
| 3. Has any person or entity listed in this form or its attachments ever been suspended, debarred or otherwise declared ineligible by any agency of government from bidding or contracting to provide services, labor, material, or supplies? (If yes, attach a detailed explanation for each instance.) | <input type="radio"/> | <input type="radio"/> |
| 4. Are there now any criminal matters or debarment proceedings pending in which the firm and/or its officers and/or managers are involved? (If yes, attach a detailed explanation for each instance.) | <input type="radio"/> | <input type="radio"/> |
| 5. Has any Federal, State or Local license, permit or other similar authorization, necessary to perform the work applied for herein and held or applied for by any person or entity listed in this form, been suspended or revoked, or been the subject or any pending proceedings specifically seeking or litigating the issue of suspension or revocation? (If yes, attach a detailed explanation for each instance.) | <input type="radio"/> | <input type="radio"/> |

CERTIFICATION : I, being duly sworn upon my oath, hereby represent and state that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I acknowledge that the State of New Jersey is relying on the information contained herein and thereby acknowledge that **I am under a continuing obligation from the date of this certification through the completion of any contracts with the State to notify the State in writing of any changes to the answers or information contained herein.** I acknowledge that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if I do so, I recognize that I am subject to criminal prosecution under the law and that it will also constitute a material breach of my agreement(s) with the State of New Jersey and that the State at its option, may declare any contract(s) resulting from this certification void and unenforceable.

I, being duly authorized, certify that the information supplied above, including all attached pages, is complete and correct to the best of my knowledge, I certify that all of the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Company Name: _____

(Signature)

Address: _____

PRINT OR TYPE: _____

(Name)

PRINT OR TYPE: _____

(Title)

FEIN/SSN#: _____

Date _____

ATTACHMENT II

PUBLIC LAW 2005, C. 271

VENDOR CERTIFICATION AND POLITICAL CONTRIBUTION DISCLOSURE FORM

Contract Reference No:

Vendor:

At least ten (10) days prior to entering into the above-referenced contract, the Vendor must complete this Certification and Disclosure Form, in accordance with the directions below and submit it to the State contact for such contract. **Please note that the disclosure requirements under Public Law 2005, Chapter 271 are separate and different from the disclosure requirements under Public Law 2005, Chapter 51 (formerly Executive Order 134). Although no vendor will be precluded from entering into a contract by any information submitted on this form, a vendor's failure to fully, accurately and truthfully complete this form and submit it to the appropriate State agency may result in the imposition of fines by the New Jersey Election Law Enforcement Commission.**

Disclosure

Following is the required Vendor disclosure of all Reportable Contributions made in the twelve (12) months prior to and including the date of signing of this Certification and Disclosure to: (i) any State, county, or municipal committee of a political party, legislative leadership committee, candidate committee of a candidate for, or holder of, a State elective office, or (ii) any entity that is also defined as a "continuing political committee" under N.J.S.A. 19:44A-3(n) and N.J.A.C. 19:25-1.

The Vendor is required to disclose Reportable Contributions by: the Vendor itself; all persons or other business entities owning or controlling more than 10% of the profits of the Vendor or more than 10% of the stock of the Vendor, if the Vendor is a corporation for profit; a spouse or child living with a natural person that is a Vendor; all of the principals, partners, officers or directors of the Vendor and all of their spouses; any subsidiaries directly or indirectly controlled by the Vendor; and any political organization organized under section 527 of the Internal Revenue Code that is directly or indirectly controlled by the Vendor, other than a candidate committee, election fund, or political party committee.

"Reportable Contributions" are those contributions that are required to be reported by the recipient under the "New Jersey Campaign Contributions and Expenditures Reporting Act," P.L. 1973, c.83 (C.19:44A-1 et seq.), and implementing regulations set forth at N.J.A.C. 19:25-10.1 et seq. As of January 1, 2005, contributions in excess of \$300 during a reporting period are deemed "reportable."

Name and Address of Committee to Which Contribution Was Made	Date of Contribution	Amount of Contribution	Contributor's Name
Indicate " <u>none</u> " if no Reportable Contributions were made. Attach Additional Pages As Needed			

Certification:

I certify as an officer or authorized representative of the Vendor that, to the best of my knowledge and belief, the foregoing statements by me are true. I am aware that if any of the statements are willfully false, I am subject to punishment.

Name of Vendor: _____

Signed: _____

Title: _____

Print Name: _____